

issue waivers, set cost limits, administer and enforce the waiver system. The submittal commits to a maximum waiver rate as established in the performance standard demonstration and commits to corrective action to reduce the waiver rate if this value is exceeded. The Jefferson County Regulation 8.01 sets a \$75 cost limit for pre-81 vehicles and \$200 for 1981 and newer vehicles. The regulation includes provisions which address waiver criteria and procedures, including cost limits, tampering and warranty related repairs, quality control and administration. A unique feature of the regulation is any vehicle owner requesting a waiver must submit the vehicle for review at the APCD referee test center and must show a measurable improvement in emissions. A vehicle repair form must be submitted by the owner at that time, verifying the repairs. The vehicle is diagnosed by APCD personnel that must be ASE certified Master Mechanics as well as sworn Kentucky peace officers and EPA Administrator designated representatives for tampering and fuels. These provisions meet the Federal I/M regulations requirements and are approvable.

Motorist Compliance Enforcement—40 CFR 51.361

The Federal regulation requires that compliance shall be ensured through the denial of motor vehicle registration in I/M programs. However, a basic area may use an alternative enforcement mechanism if it demonstrates that the alternative will be as effective as registration denial. The SIP shall provide information concerning the enforcement process, legal authority to implement and enforce the program, a commitment to a compliance rate to be used for modeling purposes and to be maintained in practice. The Jefferson County regulation provides the legal authority to implement a computer matching enforcement system. The RFP contains a detailed description of the enforcement process. The contractor is responsible for data operations. This includes a requirement to update the database every Monday. A database of tested vehicles is compared to a database of registered subject vehicles. The testing process for the vehicle owner begins when the owner is sent a reminder of the testing requirement by the contractor. Any owner failing to obtain a certificate of compliance by the end of the assigned month will be sent a notice of violation (NOV) which states that if the vehicle is brought in for testing that month no further action will be taken. A legal notice called Notice of

Court Action (NOCA) will be sent by the contractor to the vehicle owner who fails to have the vehicle tested by the end of the NOV month. This notice states that, if the owner obtains a certificate of compliance by a specified cutoff date, a criminal complaint which has already been prepared in his name, will not be processed by the Jefferson County District Court. The cutoff date is established by the APCD each month. When an owner fails to obtain a certificate of compliance by the cutoff date, a sworn criminal complaint is filed in the Jefferson district court pursuant to the Kentucky Rules of Criminal Procedure. The fine for violations shall not be less than \$10 and not more than \$50 for the first offense and not less than \$50 or more than \$100 for each subsequent offense. Payment of court costs by a defendant, upon conviction, shall be mandatory and cannot be probated or suspended.

Jefferson County Regulation 8.03 contains a requirement that people living outside of the County but working in it must have their vehicles inspected. The employer is responsible for providing a list of vehicle owners subject to this requirement. An employer may be fined up to \$500 per day per offense. Enforcement against vehicle owners is the same as for residents of Jefferson County. The submittal commits to maintaining the compliance rate used in the performance standard demonstration. This portion of the Kentucky submittal meets the Federal requirements and is approvable.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The Federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program.

The Jefferson County regulation provides the legal authority to implement a computer matching enforcement system. The RFP contains a detailed description of the enforcement process. The submittal also describes the process used in auditing the computer matching enforcement mechanism. Compliance with the vehicle inspection program is audited by the Jefferson County APCD by

routine checks of Kentucky vehicle registration records against I/M test records. Additionally, Jefferson County APCD enters all court records of all noncompliance cases into a computer program to verify appropriate action was taken. Cases are identified as ultimately receiving the inspection after appropriate legal action, the vehicle being removed from the owner's record because of sale or scrappage of vehicle, or no test required because the vehicle has been removed from use on the road. This portion of the Kentucky submittal meets the Federal requirements and is approvable.

Quality Assurance—40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP.

The Kentucky submittal includes a quality assurance program which describes details and procedures for implementing inspector, records, and equipment audits. Performance audits of inspectors and testing equipment will be performed by the APCD personnel. Regulation 8, Sections 8 and 9 require various quality assurance and control functions be performed to insure correct program operation. These include overt and covert audits and remote observation of inspection personnel performing testing. Overt audits may be performed by APCD personnel at any time, unannounced, during station operation. Covert audits are required to use a range of vehicles which have been set to fail the inspection test. The RFP requires the contractor to develop quality assurance and control procedures as well as operations manuals. The quality assurance requirements and procedures in the Jefferson County program meet the Federal I/M regulation requirements and are approvable.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

Enforcement against licensed stations or contractors, and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. The Federal I/M regulation requires the establishment of minimum penalties for violations of